

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8891 of 2007(H)

OS.59/2005 of PRL. MUNSIFF'S COURT, KANNUR
CMA.37/2005 of ADDL.SUB COURT, THALASSERY

PETITIONER:

- 1. PONTHEEN LAKSHMI, W/O. NARAYANAN,
MADAYI HOUSE, RAMATHERU BUS STOP,
P.O.PALLIKUNNU, KANNUR.**
- 2. PONTHEEN RAMAN, S/O. KANNAN, DO. DO.**

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.SANJANA R.NAIR

RESPONDENTS:

- 1. KOOVA KRISHNAN, S/O. CHIRUTHA, KOOVA HOUSE,
PODIKKUNDU, P.O.PALLIKUNNU, KANNUR.**
- 2. KOOVA RAMAN, S/O. -DO- -DO-**
- 3. KOOVA DEVAKI, D/O. -DO- -DO-**
- 4. KOOVA SHANTHA, W/O. CHANDU, -DO-**
- 5. KOOVA PADMAVATHI, W/O. SREEDHARAN,-DO-**
- 6. M/S. MARBILE PALACE, MANDAPAM, PUTHIYATHERU,
P.O.CHIRAKKAL, KANNUR REP. BY ITS PROPRIETOR.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.P. Balachandran, J.

W.P.(C)No. 8891 of 2007 H

JUDGMENT

Defendant Nos.5 and 6 in O.S.No.59/05 on the file of the Principal Munsiff's Court, Kannur are the petitioners. The suit was filed by the first respondent for partition. Right to claim partition is disputed by the petitioners. The trial court, vide Exhibit P1 order, passed on I.A.No.313/05, granted interim injunction in favour of the plaintiff, restraining the defendants from alienating the scheduled property to the seventh respondent or to anybody else. The appeal filed by the petitioners, challenging Exhibit P1 order was dismissed by the appellate court, vide Exhibit P2 judgment in C.M.A.No.37/05. Hence, this writ petition.

2. When the matter came up for admission hearing, counsel for the petitioners submitted that he is confining his prayer for a direction being

given to the court below to dispose of the suit itself on an early date. He also submits that the suit is ripe for trial.

In the result, I dispose of this writ petition directing the Munsiff, Kannur, before whom O.S.No. 59/05 is pending, to dispose of the said suit positively within four months from the date on which a copy of this judgment is received by him, provided the case is ripe for trial, as submitted. The petitioners shall be at liberty to produce a copy of this judgment before the Munsiff so as to alert him as regards this direction and to have the direction complied with at the earliest.

16th March, 2007

(K.P.Balachandran, Judge)

tkv